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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

United States District Court,  
Western District of Washington1 Lance P. McDermott  
2 Plaintiff,

3 ) Case No.: C13-2011-MJP

4 vs.

5 ) Motion to Amend, FRCP 15,

John P. Potter, Postmaster General, U.S. Postal  
Service, *Et All*, ) Noted for Consideration with Pleading on 29

6 Defendants.

7 ) November 2103.

Pursuant to FRCP 15 I wish to amend my complaint filed, 7 November 2013, with the notice of right to sue from U.S. Department of Labor, 15 April 2013, added as exhibit 64. The notice is in response to my complaints of Family Medical Leave Act (FMLA) violations sent the Seattle DOL Office, 1 April 2013 (exhibit 28).

Respectfully submitted on this the 18<sup>th</sup> day of November, 2013.



Lance McDermott  
1819 So 104 ST  
Seattle, WA 98168  
206 768-6268



13-CV-02011-NTC

**U.S. Department of Labor**

**WAGE AND HOUR DIVISION**

300 Fifth Avenue, Suite 1130  
Seattle, WA 98104-2397  
Phone: (206) 398-8039  
Fax: (206) 224-4111



April 15, 2013

Lance McDermott  
1819 So 104th ST  
Seattle, WA 98168

**Subject: U.S Postal Service PMA**

Dear Mr. McDermott:

You recently contacted the Wage and Hour Division (WHD) with a complaint that the above-named employer discriminated against you under the Family & Medical Leave Act. The FMLA requires covered employers to comply with all provisions of the Act. After careful consideration of the information you provided, the WHD is declining to pursue your claim, because of WHD's enforcement priorities and resource limitations.

The Wage and Hour Division administers and enforces a significant number of essential federal labor laws including those that guarantee workers' rights to a minimum hourly wage and overtime pay; and family and medical leave. The WHD receives more than 30,000 complaints each year and its resources do not permit it to investigate all of the complaints it receives. As a result the WHD must decline to investigate certain complaints and advise complainants of other resources that may be available to them to resolve their claims.

Your complaint is important, but the WHD has determined that it will not investigate your complaint and will take no further action on your behalf. The fact that the WHD will take no further action on your behalf does not affect your legal right to bring a private action in court against your employer under the FMLA to recover obtaining reinstatement and/or recovery of lost wages, employment benefits, and monetary losses under FMLA. The Department does not encourage or discourage such private actions. The decision is entirely up to you.

If you wish to pursue a private action and would like assistance locating an attorney who may be interested in your case, you may call this toll-free number to locate an American Bar Association (ABA)-approved attorney referral provider in your area: 1-866-766-6550. If you decide to contact an ABA-approved attorney referral provider, please tell the provider that you obtained their contact information using the toll-free number provided by the WHD in this letter. Please note that WHD is providing this toll-free number as a service to those complainants seeking further assistance.

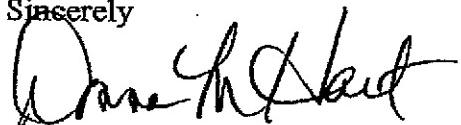
64

The WHD does not guarantee the accuracy of the information provided through this toll-free number or by any ABA-approved attorney referral provider, nor does the WHD guarantee that an attorney will accept your case. In addition, WHD is not endorsing the services of any attorney to whom you may be referred, or guaranteeing the results of any services that attorney may provide. Providing the toll-free number creates no liability on the part of the government.

Please keep in mind that obtaining reinstatement and/or recovery of lost wages, employment benefits, and monetary losses under FMLA is subject to a two-year statute of limitations, unless the employer's actions are willful, which extends the statute of limitations an additional year. Generally, this means that back wages or other remedies for violations that occurred more than two years before a lawsuit is filed may not be recoverable.

Please feel free to contact this office at 206-398-8039 if you have any questions regarding this letter.

Sincerely



Donna Hart  
District Director

Enclosure: FLSA HRG

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CERTIFICATE OF SERVICE

Case Name: Lance McDermott v. USPS  
Case No.: C13-2011-MJP

I certify that I served by personal service the Motion to Amend to:

US District Attorney Jenny A. Durkan (not appeared)  
700 Stewart Street, # 5220  
Seattle, WA 98101-1271

Dated this 18<sup>th</sup> of November 2013.



**Darlene M. McDermott**  
**1819 So 104 ST**  
**Seattle, WA 98168**  
**206 763-6268**